



MAY 19 REC'D

ATTORNEY GENERAL  
OF  
ARKANSAS

**POPULAR NAME**

A REFERENDUM TO APPROVE OR REJECT THE LEARNS ACT

**BALLOT TITLE**

THIS REFERENDUM ENABLES THE PEOPLE TO VOTE FOR OR AGAINST THE LEARNS ACT, ENACTED BY THE 94TH GENERAL ASSEMBLY AS ACT 237 OF 2023 (THE "ACT"). A VOTE "FOR" WILL APPROVE THE ACT; A VOTE "AGAINST" WILL REJECT THE ACT.

**THE ACT:**

**1. Creates the Arkansas Children's Educational Freedom Account Program**

SECTION 42. Amends Arkansas Code Title 6, Chapter 18, to create the Arkansas Children's Educational Freedom Account Program (Program). Through this Program, the parent of a resident of Arkansas who is eligible to enroll in a public school, may apply for an Educational Freedom Account (EFA) from which qualifying expenses may be paid directly to a participating school, service provider, or as payment for qualifying out-of-pocket expenses. The Division of Elementary and Secondary Education (Division) shall allocate annually, in four equal payments over the course of the year, to each participating student's account, an amount equal to ninety percent of the prior year's statewide foundation funding allocated per student. Priority shall be given to students in low performing schools and certain other eligibilities in the 2023-2024 and 2024-2025 school years. Beginning in 2025-2026, the EFAs shall become available to any eligible student. Up to five percent of funds allocated may be withheld by a contracted vendor or provider from each account annually for the cost of the administration of the program accounts. In any year in which funds are insufficient, priority will be given to students from low performing schools and other criteria as explained in the Act, including individuals who currently participate in the Succeed Scholarship Program. Any unused funds shall roll over to the next academic year, up until a student graduates, or reaches twenty-one years of age, whichever comes first. Those remaining funds shall then revert to the Division and be allocated to fund other accounts. Individual accounts, participating schools, and participating service providers will be subject to audits. The Act provides that the State Board of Education (Board) shall promulgate rules for the program and provides definitions for administration of the program including: the application process for the program, allowable expenses and reimbursements, a maximum amount of funds allowed, and rules for continued qualification of holding an EFA. The Act requires administration by the Division according to the rules specified in the Act or adopted by the Board. Those rules must include the following components: how to conduct audits, how to address misuse of funds, eligibility for funds (which includes a student's ability to demonstrate academic achievement or growth or whether the student enrolls in a public school), disqualification from the program or being a qualified service provider for fraudulent activities, and a fraud reporting service the general public can utilize. The Division shall administer, according to the Act's requirements and the Board's rules regarding accounts, funding, testing, reporting, refunds, rebates, and account rollovers, and provide a process for appeal of disqualifications or declarations of ineligibility.

SECTION 52. Repeals Arkansas Code Title 6. Chapter 41. Subchapter 9. concerning the Succeed Scholarship Program.

**2. Creates a Minimum Teacher Compensation Schedule**

SECTION 35. Amends Arkansas Code § 6-17-2403 to require that for the 2023-2024 school year, each school district shall pay classroom teachers a minimum base salary of \$50,000 and at least \$2,000 greater than his or her salary as of September 1, 2022. To be eligible for funding the minimum salary, a school district shall: contract teachers for at least 190 days each year; not adopt a personnel policy that provides more rights to personnel than those provided under state law; not have a waiver of teacher salary requirements; not deny personnel rights by other laws; adopt an employee salary schedule; be open for on-site, in-person instruction for at least 178 days or 1,068 hours; utilize at least 80% of the amount allocated for school-level personnel salaries according to the adequacy funding matrix for the previous year for teacher salaries and raises. The Act provides that if meeting the minimum salary requirement would impact student safety or cause fiscal distress, the school district may apply for a waiver from the minimum salary requirement.

### **3. Addresses Specific Issues Including: Indoctrination, Child Sexual Abuse and Human Trafficking Prevention**

SECTION 16. Amends Arkansas Code Title 6, Chapter 16, Subchapter 1, to add a section requiring the review of the rules, policies, materials, and communications of the Department of Education to identify any items that may promote teaching that would “indoctrinate” students with ideologies, such as Critical Race Theory, that conflict with the principle of equal protection under the law, or encourage students to discriminate against someone else based on the individual's color, creed, race, ethnicity, sex, age, marital status, familial status, disability, religion, national origin, or any other characteristic protected by federal or state law. Prohibited indoctrination is defined as communication by a school employee, school, or guest speaker that compels a person to adopt, affirm, or profess an idea in violation of Title IV and Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352. The Secretary of the Department of Education shall amend, annul, or alter the rules, policies, materials, or communications that are considered prohibited indoctrination under the law. The Act does not prohibit the discussion of any ideas, concepts, public policy issues, or related items that individuals may find unwelcome, disagreeable, or offensive. Arkansas Code Title 6, Chapter 16, Subchapter 1, is amended to add a section requiring the Division to enhance or adapt curriculum materials to assist school personnel in providing instruction on the detection, intervention, prevention, and treatment of child sexual abuse and human trafficking. The Act requires each school district to implement a child sexual abuse and human trafficking prevention program and provide training for teachers on awareness, reporting requirements, and prevention of child sexual abuse, assault, and human trafficking. Each school district is required to notify parents, legal guardians, or persons standing in loco parentis for students (parents) when child sexual abuse, assault, and human trafficking prevention education shall occur, allow parents to preview curriculum materials, and allow parents to exempt their child. The Act requires that, before grade five, a teacher shall not provide classroom instruction on sexually explicit materials, sexual reproduction, sexual intercourse, gender identity, or sexual orientation.

### **4. Repeals the Teacher Fair Dismissal Act of 1983**

SECTION 33. Repeals Arkansas Code Title 6, Chapter 17, Subchapter 15 – The Teacher Fair Dismissal Act of 1983 in its entirety, including all full or partial references in the Code.

SECTION 7. Repeals Arkansas Code § 6-13-808(i), allowing exclusion of the Arkansas Traveling Teacher Program from provisions of The Teacher Fair Dismissal Act of 1983.

SECTION 9. Amends Arkansas Code § 6-15-2610 to remove a reference to The Teacher Fair Dismissal Act of 1983.

SECTION 10. Repeals Arkansas Code § 6-15-2804(a)(9), requiring schools designated as schools of innovation to adhere to The Teacher Fair Dismissal Act of 1983.

**5. Establishes or Modifies the Arkansas High-Impact Tutoring Pilot Program, the Course Choice Program, the High School Career-Ready Pathways to Diploma Program, the Community Service Diploma Requirement, and Rules for Uniform Postsecondary Criteria for Awarding Credit for Approved Course in Secondary Education**

SECTION 20. Amends Arkansas Code Title 6, Chapter 16, to add subchapter 16 to establish the Arkansas High-Impact Tutoring Pilot Program (Tutoring Program) to be administered by the Division. The Division shall promulgate rules which detail specific planning, funding, reporting, access, and outcomes of the Tutoring Program. All information about the Tutoring Program shall be made publicly available on the Division's website, including information about the competitive grants issued to public schools and open-enrollment public charter schools with details about their tutoring program plans. Participating schools must submit a plan when applying for a grant and provide matching funds. It also amends Arkansas Code Title 6, Chapter 16, to add subchapter 17 to establish the Course Choice Program and sets the program requirements, student eligibility criteria, the grant funding process, allowable uses for the grants, and other provisions for the successful implementation of this pilot tutoring program under the direction of the Board. The Board shall promulgate rules regarding the program. Prior to the 2025-2026 school year, the Division shall create a course catalog detailing common numbering for each course provided by a school district. Academic standards that align with the Division academic standards must apply to each course in the course catalog. The Course Choice Program will allow any Arkansas student who is attending a public school that does not offer the course in which the student desires to enroll, or who is attending a public school that received a letter grade of "C", "D", or "F" to take a required course through an approved course provider in the Course Choice Program. A participating student shall take at least one course at the school in which they are enrolled full-time, be allowed to participate in other activities at that school, and the student's standardized test scores shall be applied to that school. Rules shall also require the course be funded with up to one-sixth of 90% of the per-pupil amount each year as determined by the foundation funding amount, established under § 6-20-2305, with an amount equal to 10% of the pro rata share of the per-pupil amount of foundation funding to remain with the public school district in which the eligible student is enrolled full time. The course provider shall receive 50% of the payment upon student enrollment in the course, and 50% upon completion of the course. Should the student not complete the course within the prescribed course length the course provider shall only receive 40% of the remaining tuition. If a student does not complete the course, the course provider shall only receive the course enrollment share, and the pro rata share of the per-pupil amount of foundation funding remaining shall be returned to the student's full-time school. The Act amends Arkansas Code Title 6, Chapter 16, to add subchapter 18 to establish the High School Career-Ready Pathways to Diploma

program (Pathways Program), which shall be developed by the Division and shall include challenging academic courses and modern career and technical studies aligned with high-wage, high-growth jobs in Arkansas. Beginning with the ninth-grade class of 2024-2025, the Pathways Program requires that a school district shall issue a diploma to a student who successfully completes the requirements established by the Board for a career-ready pathway. The Act requires that in grades six through eight, each school district and open-enrollment public charter school shall incorporate career awareness and exploration activities which may include without limitation: field trips, guest speakers, community services, dedicated curricula, and other activities designed to introduce students to occupations that are in demand in Arkansas. Each school district with an approved career-ready pathway shall annually conduct an informational meeting for the parents of students in the eighth grade. A career-ready pathway to a diploma option shall be offered to public school students and provide them with credentials of value in a desired high-wage, high-growth career, and a strong academic core. This option must prepare students to pursue a degree, certification, or immediately qualify the student to enter a career field. The Act ensures that each school district offers at least one career-ready pathway that is aligned to state and regional workforce demands. While open-enrollment public charters may offer a career-ready pathway, it is not required. School districts, in partnership with local business and industry leaders, local economic development agencies, and postsecondary education leaders, shall review career-ready pathways offered and expand offerings as appropriate. The Act requires that a student in a career-ready pathway shall complete an academic core of courses and a career and technical sequence of courses, or an approved training program that leads to an approved, industry-based credential. Various kinds of partnerships may be formed between schools, districts, training programs, and other industry sites. All career-ready pathway educators must meet standards outlined by the Division. Any students working in a work-based learning opportunity through a career-pathway program, shall be covered by worker's compensation by the school in which the student is enrolled in a career-ready pathway. Legislative appropriation may cover the cost of worker's compensation insurance incurred by the career-ready pathway school. The Arkansas Workforce Development Board, in consultation with the Department of Education, shall develop a system for collecting, analyzing, and reporting student outcomes associated with the completion of high-wage, high-growth career-ready pathways. This section also amends Arkansas Code Title 6, Chapter 16, subchapter 19, to establish a community service diploma requirement such that beginning with the graduating class of 2026-2027, a public high school student shall complete a minimum of seventy-five hours of community service in grades nine through twelve to graduate. There is a minimum requirement of fifteen hours for grade nine, and twenty hours for grades ten through twelve. A school district board of directors may grant a waiver of this requirement for extenuating circumstances on a case-by-case basis.

SECTION 12. Amends Arkansas Code § 6-15-2911(b), concerning the development of a student success plan, to: require each student's success plan include the recommended sequence of courses for successful completion of a diploma pathway selected by the student; be flexible to allow changes with parent approval; be reviewed annually; be revised as necessary; and be signed by the student, parent, and school counselor. The Act is amended to require a school counselor to meet with the student's parent(s) prior to making revisions, and any revisions to a student success plan shall be approved in writing by the student's parent(s).

SECTION 13. Amends Arkansas Code § 6-15-2911, concerning student success plans, to require that a school district provide career awareness and exploration activities to all students in grades six through

eight and to hold an informational meeting for parents of students enrolled in grades six through twelve to provide information regarding graduation requirements and curriculum choices in conjunction with the scheduling of courses for the next academic year.

SECTION 54. Amends Arkansas Code Title 6, Chapter 60, Subchapter 1, to add section 6-60-119, which provides that the Division of Higher Education shall establish uniform postsecondary criteria for awarding credit to students who have successfully completed the International Baccalaureate Diploma Programme or achieved required scores on one or more College Level Examination Program (CLEP) examination(s) and may establish uniform postsecondary criteria for awarding credit to students who attain other nationally recognized college-level credentials, including those attained through the Cambridge Advanced International Certificate of Education and Industry-based credentials.

SECTION 55. Amends Arkansas Code § 6-61-217 to create minimum core courses for career prep[aration] in addition to college courses. Requires that the Arkansas Higher Education Coordinating Board, in consultation with the Board, shall deem a career-ready pathway to a diploma to be equivalent to a standard high school diploma.

SECTION 15. Amends Arkansas Code § 6-16-120 to end academic credit for community service for the graduating classes after 2025-2026.

## **6. Creates Exemption from Sanctions and Allows for School Transformation Contracts between Districts and Charter Operators**

SECTION 14. Amends Arkansas Code Title 6, Chapter 15, to add a subchapter to allow a school district with a "D" or "F" school rating or classified as in need of Level 5 — Intensive support by the Board, to be eligible for exemption from sanctions under §§ 6-15-2915, 6-15-2916, and 6-15-2917. This includes the transfer of authority to the state and qualification for additional incentive funding if the school district contracts with an open-enrollment public charter school or other entity approved by the Board to operate a public school district transformation campus. To encourage transformation charter operators to enter into contracts with eligible public school districts, during the first two school years of operation, a public school transformation school shall be awarded with an alternate letter grade in which the State of Arkansas shall not impose a sanction or take action against said school for failure to satisfy academic performance standards.

SECTION 43. Amends Arkansas Code § 6-20-1909(a)(5) concerning powers of the Commissioner of Elementary and Secondary Education with respect to public school districts in fiscal distress regarding special education programs, criminal background checks for employees, and health and safety codes.

## **7. Amends the Safe Schools Initiative Act**

SECTION 8. Amends the Safe School Initiative Act, Arkansas Code § 6-15-1303, to require: an assessment instead of an audit; medical professionals and fire departments be added as collaborators; human trafficking, gangs, cyberbullying, weapon possession by minors, and weapon threat response be added as topics included in training provided by the Arkansas Center for School Safety of the Criminal Justice Institute; that a school district has a school safety expert review architectural plans for a facility

before new construction. Also requires, in order to promote school safety, that the Department of Education shall: work with organizations such as Readiness and Emergency Management for Schools, Technical Assistance Center, and the National Training and Technical Assistance Center to develop a state-level school bus safety initiative; make crisis response training available to school personnel and other key stakeholders; and conduct an analysis to determine how the Arkansas State Fusion Center may be more effectively utilized to improve school safety. Requires each school district to support student mental health by supporting access to training in youth mental health; requires all school staff to complete mental health awareness training; and establishes a behavioral threat assessment team. Requires each school district to work with law enforcement to increase the presence of uniformed law enforcement on campuses, to improve training for school resource officers, and to promote reporting of threats. Directs each school district to promote student security and safety by: forming District Safety and Security Teams; conducting a comprehensive school safety assessment every three years; training school nurses and staff on emergency medical response; establishing a comprehensive, common communication plan; establishing direct communication with local law enforcement; and reviewing and updating cybersecurity policies and procedures annually.

## **8. Creates the Merit Teacher Incentive Fund Program**

SECTION 37. Amends Arkansas Code Title 6, Chapter 17, to add Subchapter 29 to create the Merit Teacher Incentive Fund Program to recognize and reward excellent teachers with an annual bonus of no more than \$10,000. Eligibility factors for an award shall include: outstanding growth in student performance via test scores and comparing prior student performance by subject and school; serving as a mentor to aspiring teachers; participating in yearlong residencies; instructing in subject areas or geographical areas identified as experiencing a critical shortage of teachers; and other categories as defined by the Board. In determining distribution of funds to a teacher under this section, the Division shall consider factors that include the poverty level of the school and the designated performance rating of the school. A teacher who is given intensive support status under the Teacher Excellence and Support System, § 6-17-2801 et seq., is ineligible for the receipt of funds under the program for the school year. The Division shall annually conduct and publish a report on the data on Arkansas's public educator workforce.

SECTION 31. Repeals Arkansas Code § 6-17-811, concerning incentives for teacher recruitment and retention in high-priority districts.

## **9. Amends the Right to Read Act**

SECTION 29. Amends Arkansas Code § 6-17-429(j)-(l), concerning the Right to Read Act, such that every kindergarten through grade three teacher in a school earning a "D" or "F" rating or a low-performing school based on results of the school's kindergarten through grade three literacy screener identified by the Division has access to a literacy coach. The literacy coach shall have expertise in both pedagogy and the science of reading (SOR), a history of successful coaching and instruction, an understanding of disabilities in reading, a working knowledge of Individuals with Disabilities Education Act (IDEA) and will partner with teachers and school leaders to improve literacy instruction. The literacy coach can be hired at a rate determined by the Division and directly be employed by the Division or be a

contract employee. A literacy coach is eligible, on a yearly basis, for up to a \$10,000 bonus based on measurable performance improvements in student scores. A literacy tutoring grant program (tutoring program) shall be established in schools identified as qualifying for a literacy coach. The tutoring program will be available for students not meeting the reading standard, at risk for reading difficulties according to the literacy screener, or who received an exemption for promotion to grade four. The literacy tutoring grant will be \$500 per eligible student, per year, on a first-come, first-served basis, with priority given to eligible students who are to be retained in third grade. The Board shall promulgate the rules for the Division to oversee the tutoring program. The rules shall: determine an eligibility process; develop an application process; create a payment program; and determine a tutoring provider's ability to provide services. A provider can include: a licensed teacher; someone with a Baccalaureate or graduate degree in education, English, or similar subject; or state-approved digital programs. A provider of tutoring services that fails to show measurable results for two consecutive years shall be ineligible to continue as a provider. School districts are required to notify all parents of their student's reading progress by no later than October 1 of each school year, and each time the student is assessed, develop an individual reading plan for each student who does not meet the reading standard, and notify all parents in writing of the content of their child's independent reading plan and progress. If a student has not met the third grade reading standard or the student does not have a good-cause exemption, the student shall not be promoted to fourth grade. For each student who does not meet the reading standard by the end of third grade, the school district is directed to: provide at least ninety minutes of evidence-based literacy instruction aligned to the SOR during each school day; assign the student to a teacher with a value-added model score in the top quartile statewide in English language arts for the past three years; provide parents with a "read-at-home" plan to support student early literacy growth; identify eligible students for literacy tutoring grants; be given priority to receive a literacy tutoring grant; be given the option to participate in additional intensive, evidence-based literacy intervention programs. The Division may contract with a vendor to conduct an annual evaluation to identify and assess strategies that the state and school districts have taken to support students in reading at grade level by the end of grade three.

SECTION 51. Amends Arkansas Code § 6-41-603 to update school district screening requirements such that each student in kindergarten through grade three is screened using a high-quality, evidence-based screener approved by the Division. The screening of students must be performed with fidelity and include phonological and phonemic awareness, sound symbol recognition, alphabet knowledge, decoding skills, rapid naming skills, encoding skills, and language comprehension. The Board shall adopt rules to ensure that: all students in kindergarten through grade three are screened using a Division-approved screener; consistent interpretation of screening data is used to identify students exhibiting a substantial reading deficit or indicating early signs of dyslexia; students receive early intervention; and student progress is monitored and reported to the parent(s) at least two times each year. School districts shall screen any student in grades three through twelve experiencing difficulties in fluency or spelling using a Division approved screener that measures oral reading fluency and encoding. If a student exhibits deficits in fluency or spelling following a screening under this section, a school district shall administer a level II dyslexia screening as outlined in the Arkansas Dyslexia Resource Guide. The Board shall adopt rules to ensure that all students in grades three through twelve experiencing difficulty in fluency or spelling are screened using a Division-approved screener; that consistent interpretation of screening data is used to identify students exhibiting deficits indicating dyslexia; students receive early intervention; and student progress is monitored and reported to the parent(s) at least two times each year.

SECTION 11. Amends Arkansas Code § 6-15-2907(a), concerning statewide student assessments, to require high-quality, evidence-based literacy screeners for kindergarten through grade three to be given during the first thirty days of the school year and repeated, if indicated, midyear. It shall be given at the end of the school year. The overall state literacy assessment results shall be published annually.

SECTION 27: Amends Arkansas Code § 6-17-429(g), concerning the Right to Read Act, to add that any school district not using a curriculum program from the Division's approved list shall notify all parents in writing and list the curriculum used on the school district's website.

SECTION 28: Amends Arkansas Code § 6-17-429(i)(2), concerning providers of state-approved educator preparation programs under the Right to Read Act, to require the Division to audit each program at least one time every three years to verify compliance.

## **10. Requires Numeracy**

SECTION 30. Adds to Arkansas Code Title 6, Chapter 17, Subchapter 4, section 6-17-431, "Numeracy," requiring that each school district develop a math intervention plan for each student in grades three through eight who is not performing at or above grade level on the state assessment, as defined by the Board. The math intervention plan may include, without limitation, access to targeted math tutoring, assignment to a teacher with a value-added model score in the top quartile statewide in math, and a provision of extended time on math instruction during or after school. The district shall provide written notification to all parents of their student's math intervention plan and progress. By the beginning of the 2024-2025 school year, each public school district and open-enrollment public charter school shall report to the Division the type or types of math intervention used and the number of students who are receiving each type of math intervention.

## **11. Allows for Paid Maternity Leave and Requires Superintendent Performance Targets**

SECTION 21. Allows for education personnel, employed by a school district that elects to participate, to be eligible for up to twelve weeks of paid maternity leave under a cost-sharing agreement between the State of Arkansas and a public school district. Additionally, it requires each local school district to establish, as part of a superintendent's contract of employment, written performance targets that include student achievement and graduation rates. Each school district shall publish the superintendent's contract on the district website and submit a copy to the Commissioner of Elementary and Secondary Education. A contract of employment executed, negotiated, or renegotiated after July 1, 2023, between a local school district board of directors and a superintendent that does not meet the requirements established in this section shall be null and void.

## **12. Amends Rules for Early Childhood Care and Education**

SECTION 3. Transfers the administration of the state's early learning and education system from the Department of Human Services to the State Board of Education.



SECTION 58. Amends Arkansas Code Title 6 to add subtitle 7 - Early Childhood Care and Education, Chapter 87, Unified Early Childhood Care and Education System, to create within the Department of Education, the Office of Early Childhood, which reports directly to the Secretary of Education. The responsibility for and administration of programs funded through state or federal resources that provide early childhood care or educational services, currently overseen by the Division of Child Care and Early Childhood Education, shall be transferred to the Office of Early Childhood, including the Child Care and Development Block Grant Act, State preschool, the Individuals with Disabilities Education Act Pub. L. No. 101-476 Part B for children before Kindergarten and Part C for infants and toddlers, and the Arkansas Head Start State Collaboration Office. The Office shall be the lead agency for the Child Care and Development Block Grant Program. The Board shall establish a seamless early childhood educational system that is coordinated and integrated across all programs and related state agencies, regardless of public funding source, working collaboratively with the Department of Human Services and the Department of Health. To facilitate the administration of a unified system of early childhood care and education, the Board shall competitively select and work with local early childhood organizations to: support access to early childhood programs; identify gaps in service; foster partnerships; and create alignment among the public and private providers and agencies within the community. To facilitate the creation of the Unified Early Childhood Care and Education System, the Board shall establish a definition of kindergarten readiness aligned with state content standards for elementary and secondary schools and create a simple, clear, and understandable uniform accountability system for publicly funded early childhood education programs. The Board shall designate the 2024-25 school year as a pilot learning year in which non-consequential practice ratings shall be created for publicly funded sites and regions. The practice ratings utilized shall allow for a transition to the Unified Early Childhood Care and Education System (System), holding harmless financial and other incentives and consequences and allowing for revisions to the existing timeline. In coordination with other State agencies, the System shall reduce burdensome or unnecessary rules for licensing of childcare facilities; report on the reduction to the General Assembly as part of its required written report; establish a timeline for the creation of the System that shall be fully implemented by the beginning of the 2026-27 school year; and create and publish a parent-friendly website that includes information on locally available schools and centers, and which must include curriculum, tuition costs, student-teacher ratios and accountability results. The Board may use available funds to implement strategies to increase and improve the quality of early childhood care using pilot programs, which in turn shall create findings to inform statewide improvement efforts. The Board shall interact with stakeholders and families. The System provides for an academic approval process adhering to the System requirements. The Act requires comprehensive rules of state standards and rules at least every five years; provides for a public process for review of rules; provides for the transfer of funding between the relevant entities, and other matters, and requires the Board to promulgate rules regarding funding and grant requirements.

SECTIONS 64-71: Updates Arkansas Code as necessary to transfer the Division of Child Care and Early Childhood Education from the Department of Human Services to the Department of Education.

### **13. Amends Rules Adopted by the State Board of Education Under the Arkansas Opportunity Public School Choice Act**

SECTION 38. Amends Arkansas Code § 6-18-227(k), concerning rules under the Arkansas Opportunity Public School Choice Act, to allow rules pertaining to consideration of a school district's enrollment capacity to prohibit establishing a maximum number of school choice transfers, unless required by a desegregation plan.

SECTION 39. Amends Arkansas Code § 6-18-1906 to remove the numerical net maximum limit on school choice transfers under the Public School Choice Act of 2015 and outline procedures districts must take to make conflict claims.

#### **14. Requires School Resource Officer Training Requirements**

SECTION 2. Creates a requirement for law enforcement personnel assigned to a school campus to complete a forty-hour school resource officer training program approved by the Arkansas Center for School Safety of the Criminal Justice Institute, attend training in youth mental health every four years, complete a sixteen-hour refresher training every five years, and annually complete twelve hours of school-specific education.

#### **15. Amends the Limitation on the Number of Charters Available Under the Arkansas Quality Charter Schools Act of 2013**

SECTION 48. Amends Arkansas Code § 6-23-304(c), concerning the limitation on the number of charters available under the Arkansas Quality Charter Schools Act of 2013, to remove limits on the number of charters available for open-enrollment public charter schools and that a private or parochial school shall not be eligible for open-enrollment public school charter status.

SECTION 47. Amends Arkansas Code § 6-23-302(d) and (e) concerning applications for open-enrollment public charter schools, is amended to read: A licensed teacher employed by a public school district in the school year immediately preceding the effective date of a charter for an open-enrollment public charter school operated at a public school facility may not be transferred to or be employed by the open-enrollment public charter school over the licensed teacher's objections.

SECTION 49. Amends Arkansas Code § 6-23-307 for the Board to create an expedited renewal process for open-enrollment public charter schools that meet the criteria of a school rating above the state average, demonstrated exceptional academic growth, and adherence to all operational and financial requirements, as defined by the Board.

SECTION 50. Amends Arkansas Code Title 6, Chapter 23, Subchapter 5, to add section 6-23-508 to establish a facilities funding program for open-enrollment public charter schools.

#### **16. Creates the Transportation Modernization Grant Program**

SECTION 44. Amends Arkansas Code Title 6, Chapter 20, to add Subchapter 27 to create the Transportation Modernization Grant Program (modernization grant) for public school districts, open-enrollment public charter schools, early childhood care programs, and cities or towns to improve access to

transportation for students and support transportation innovations and efficiency solutions. The modernization grant shall be administered by the Department of Education and distributed based on demand, most innovative solutions proposed, and other criteria as determined by the Department. At least twenty-five percent of grants under this subchapter shall be awarded to support rural and remote public school districts. Modernization grants shall be used for transportation resource sharing with neighboring schools, ride-share programs, engaging neighborhood carpool strategies, developing options for reducing costs and improving efficiencies, developing options to address personnel shortages or challenges, partnering with other schools and childcare facilities to reevaluate bus routes to decrease ride time for students, developing collaborations with schools, early childhood care programs, and community partners to ensure students' safe and effective passage to school and early childhood care and education programs.

## **17. Amends the Powers of a School District Board of Directors to Employ Staff**

SECTION 4. Amends the powers of a school district board of directors to allow the employment, in addition to the superintendent, of one or more assistant superintendents to oversee the day-to-day operations of the school district. Further, superintendents, assistant superintendents, and school district employees shall be given contracts meeting the requirements prescribed by the Board. Additionally, a superintendent shall be evaluated before any extension of his or her employment contract, based on standards provided by the Board.

SECTION 5. Removes the ability to use payments for teacher recruitment or retention in high priority school districts as a reason for a salary increase in the resolution approved by a school district board of directors for an increase in salary of five percent or more of a school district employee. Other reasons may include bonuses (which are not added to the salary), certain certifications, and new positions which changed functions.

SECTION 6. Requires that each local school district board of directors adopts policies for and establishes procedures that require a superintendent to consult with teachers employed by the school district before making decisions regarding the hiring or placement of a principal at the school in which the teachers are employed. The recommendations by teachers are not binding upon them but should be considered by the superintendent. Directs each superintendent and principal to make employment-related decisions based upon performance, effectiveness, and qualifications, but not seniority. Requires each school district to submit to the Division its reduction in force plan each time it is updated.

## **18. Directs Mandatory Reporting of Disqualifying Offenses: Ethical Violations**

SECTION 23. Amends Arkansas Code § 6-17-410(g), concerning mandatory reporting of disqualifying offenses, to add the requirement that the superintendent also report to the Board the name of any person holding a license issued by the Board and currently employed or employed during the two previous school years who has been arrested or charged with a felony or any misdemeanor listed in subsection (c) of 6-17-410; that if an arrest or charge is reported in accordance with subdivision (g)(1)(B) of this section, the Division shall indicate in the Arkansas Educator Licensure System that the person's employment eligibility is "pending or under review" and that when a license holder's criminal case is resolved, the license holder's eligibility status shall be updated in accordance with the Division.

SECTION 24. Amends Arkansas Code § 6-17-414(f) to add a requirement that the superintendent or director of an educational entity or a third-party vendor shall report to the state board when a person employed by the educational entity is arrested or charged with any felony or misdemeanor listed in subsection (b) of this section and that the Division shall indicate in the Arkansas Educator Licensure System that the person's employment eligibility is "pending or under review" until the person's criminal case is resolved.

SECTION 25. Amends Arkansas Code § 6-17-428(a)(2), regarding ethical violations of teachers, to expand the definition of an "educator" to include a person who is a registered volunteer who will be working with students in an athletic coaching capacity or is in the process of obtaining a coaching certificate through the Arkansas Activities Association and is assisting with students in a coaching capacity in a school athletic program.

SECTION 26. Amends Arkansas Code § 6-17-428(p), concerning mandatory reporting of ethical violations, to define "substantiated allegation" as the observance of or reasonable cause to believe that a violation of the code of ethics has occurred, and the completion of an investigation is not required in order for an allegation to be a substantiated allegation; that a substantiated allegation may be a preliminary determination made by the school. An ethics complaint must be filed within twenty-four hours of a matter coming to the attention of a school supervisor if he or she observes, has reasonable cause to suspect, or there is a substantiated allegation that an educator has violated the standard in subdivision (p)(2)(A) of Arkansas Code 6-17-428(p) that an educator maintains a professional relationship with each student both inside and outside of the classroom. The Division's website shall indicate when an applicant for employment has a pending ethics complaint regarding a violation of the standard that an educator maintains a professional relationship with each student both inside and outside of the classroom.

SECTION 46. Amends Arkansas Code § 6-22-105 to add a background check requirement for volunteers in the process of obtaining a coaching certificate or working in an athletic coaching capacity with unsupervised contact with students. The superintendent or director of an educational entity or a third-party vendor shall report to the Board any registered volunteer in an athletic coaching capacity who has been arrested, charged, found guilty, pleaded nolo contendere to certain offenses listed in section 6-17-410(b), intentionally compromised the validity or security of any student test or testing program, knowingly submitted falsified information or failed to submit information requested or required by law, or has a true report in the Child Maltreatment Central Registry. The failure of a superintendent or the director of an educational entity to report this information may result in sanctions by the Board. An arrest or charge shall indicate on the Arkansas Educator Licensure System that the person's employment eligibility is pending or under review. Once resolved, the person's eligibility status will be updated.

## **19. Amends Definitions and Approved Provider Lists Under the Digital Learning Act of 2013**

SECTION 17. Removes the requirement for schools to select digital learning and course choice providers, and the requirement to submit a copy of the list to the Education Committees from Arkansas Code § 6-16-1403(b). Requires the Division to publish annually an approved list of course choice providers that offer digital learning services.

SECTION 18. Repeals Arkansas Code §§ 6-16-1404 and 6-16-1405 regarding digital learning environments and digital learning providers.

SECTION 19. Repeals Arkansas Code § 6-16-1406(d), concerning digital learning courses required for graduation under the Digital Learning Act of 2013.

## **20. Requires Workforce Reporting and Information**

SECTION 53. Amends Arkansas Code Title 6, Chapter 50, Subchapter 1, to add an additional section, 6-50-105, Workforce Reporting and Information. No later than January 31, 2024, the Department of Education, in partnership with the Department of Commerce and the Division of Workforce Services shall develop, publish, and maintain a website to inform job seekers about state and regional labor market conditions, supply and demand of work, workforce program outcomes, and projected employment growth & declines. No later than January 2025, the same partnership shall enable every job seeker to view available jobs, the type of training required for those jobs, and where they can receive additional training or certifications to qualify for those jobs.

## **21. Creates the Arkansas Teacher Academy Scholarship Program Act**

SECTION 57. Amends Arkansas Code Title 6, Chapter 82, to add Subchapter 22 for the Arkansas Teacher Academy Scholarship Program Act (ATASP), 6-82-2201. It defines an academy attendee as an individual enrolled in an Arkansas Teacher Academy at an eligible postsecondary institution who is a current teacher, a teacher who graduated from an Arkansas Teacher Academy at an eligible postsecondary institution, or a current student. An eligible postsecondary institution is any two- or four-year institution of higher education that offers a post-baccalaureate program that leads to teacher certification and has entered an agreement with the Division of Higher Education for the purposes of this program. Tuition and fees are eligible expenses that lead to teacher certification as part of the scholarship program, including tuition, mandatory fees, and program fees. The purpose of the Arkansas Teacher Academy is to incentivize potential and enrolled academy attendees to enter the teaching profession and commit to teaching in Arkansas public schools or in a critical shortage area in Arkansas based on subject areas or geographical areas. The Division of Higher Education will consult with public and private postsecondary institutions to develop and implement a centralized administrative process for each Arkansas Teacher Academy which requires at a minimum a marketing and promotion plan, data collection and reporting, tracking of post-graduation service requirements, coordination of induction services, distribution of moneys from the ATASP Fund, collection of reimbursements from individuals who fail to complete service requirements, a process for assessing an attendee's ability to repay financial assistance, and a process for deferring service or repayment. An Arkansas Teacher Academy may be a new or existing teacher preparation program. An eligible postsecondary institution may develop a portfolio of teacher preparation programs with priority given to students in grades eleven and twelve. However, they shall not exclude students in grades nine and ten from its Arkansas Teacher Academy. Academy attendees who receive scholarship funds under this program shall not be charged the difference if the postsecondary institution's tuition and fees exceed all combined financial aid and grants. Eligible postsecondary institutions shall develop formal partnerships with Arkansas public schools to build commitments for

teacher employment upon successful completion of an Arkansas Teacher Academy program. A program offered as part of an Arkansas Teacher Academy shall include accelerated program models for subject areas and geographical areas experiencing a critical shortage of teachers, an individual seeking post-baccalaureate coursework in a professional certification, and non-education program students who seek to complete one or more teacher preparation courses to prepare him or her for a teaching certification. An academy attendee enrolled in an Arkansas Teacher Academy shall be provided with an annual scholarship up to the actual cost of tuition and fees for a maximum of two academic years or four academic semesters for an attendee who is a graduate student, or four academic years or eight academic semesters for an undergraduate student, or two academic years or four academic semesters for a community college student enrolled with continued eligibility of an additional two academic years or four academic semesters to continue their studies at an eligible undergraduate institution. The scholarship can also be used to obtain a teaching license issued by the Board, to include the required licensing exams. This scholarship shall be distributed to an academy attendee only after all other financial gifts, aid, and grants. Each academy attendee shall agree to teach at least one full school year in a public school or in a school that serves primarily public school students with disabilities for each academic year the attendee successfully completes and for which an academy scholarship was used to pay for all or part of his or her tuition and fees. An academy attendee who currently teaches and receives the scholarship concurrently shall have the commitment period to teach in a public school in the state to begin after graduation from an Arkansas Teacher Academy. Attendees will reimburse the Division of Higher Education the total amount of scholarship funds for an academic year in which the attendee does not end the year in good academic standing and a proportional amount of the scholarship for each year that the attendee did not teach in a public school in the state after graduation, as required in this section. The Division of Higher Education shall administer the ATASP and establish criteria for distributing scholarships from the fund. On or before March 1, 2024, and each year thereafter, shall provide a report with information about the total number of academy attendees at each Arkansas Teacher Academy and the total number of Arkansas Teacher Academy graduates receiving induction services in the current academic year. On or before September 1, 2024, and each year thereafter, the Division shall provide a report with the total number of academy attendees enrolled in each eligible postsecondary institution's Arkansas Teacher Academy by year of college enrollment. The Division may promulgate rules to implement the ATASP.

SECTION 56. Amends Arkansas Code § 6-81-1606 to increase the State Teacher Education Program loan repayment for federal student loans from \$3000 to \$6000 per year for a maximum of three years.

## **22. Provides for Foster Child's Placement in a Nonpublic School**

SECTION 59. Amends Arkansas Code § 9-28-113(j)(2), concerning a foster child's placement in a non-public school, to not prohibit a foster child from using Educational Freedom Account Funds to attend a non-public school.

## **23. Amends Rules for the Education Fund**

SECTION 60. Amends Arkansas Code § 19-5-304, concerning the Education Fund, to add the Child Care Grant Fund Account and Child Care and Early Childhood Education Fund Account. The Child Care Grant Fund Account shall be used for the Child Care Grant program. The Child Care and Early

Childhood Education Fund Account shall be used for the maintenance, operation, and improvement of the Division of Child Care and Early Childhood Education in conducting those functions, powers, and duties as set out in the Childcare Facility Licensing Act. § 20-78-201 et seq., and other duties.

SECTION 61. Repeals Arkansas Code § 19-5-306(10)(A)(xiv) concerning the Child Care Grant program funded by the Department of Human Services Grants Fund Account.

SECTION 62. Repeals Arkansas Code § 19-5-306(12), concerning the Child Care and Early Childhood Education Fund Account.

SECTION 63. Amends Arkansas Code Title 19, Chapter 5, Subchapter 12, to create on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer, a miscellaneous fund to be known as the "Arkansas Children's Educational Freedom Account Fund": this includes but is not limited to the Arkansas Children's Educational Freedom Account Fund, Literacy Tutoring Grant Fund, Arkansas Teacher Academy Scholarship Program Fund, Teacher Minimum Salary and Raise Fund, and the Merit Teacher Incentive Fund.

#### **24. Amends the Requirements for School Counselor Training for Purposes of Comprehensive Student Services**

SECTION 40. Amends Arkansas Code § 6-18-2004(d), concerning school counselor training required for purposes of comprehensive student services, to change "Youth Mental Health First Aid training" to "youth mental health training," as prescribed by the Board.

#### **25. Provides for an Increase in Eligible Taxpayer Contributions to the Philanthropic Investment in Arkansas Kids Program Act**

SECTION 41. Provides for the total allowable state income tax credit awarded under Philanthropic Investment in Arkansas Kids Program Act be increased from \$2,000,000 to \$6,000,000 per year, and that if in any calendar year, the total amount of state income tax credits awarded under this section is equal to or greater than ninety percent of the total allowable amount be increased by five percent in subsequent years, such amount to be applied to the total amount of income tax credits authorized in the previous calendar year. The Department of Finance and Administration shall, at the beginning of each calendar year, certify the total amount of such credits that may be awarded in that year.

#### **26. Declares Severability**

SECTION 72. Declares that invalidity of any provision of the Act shall not affect the validity of any other provisions of the Act.

#### **27. Approves an Emergency Clause**

SECTION 73. Declares an emergency that requires expedited implementation of the Act, expressly to avoid impacts to public peace, health, and safety where educational services are impacted and requires

multiple procedural changes to implement these changes. The Act transfers responsibilities within the Department of Education, at the cabinet level, which must occur before the next fiscal year; therefore, the Emergency Clause is necessary. The Act creates new funding measures to be administered by the Department which must correspond with the beginning of the 2024 fiscal year; and finally, repeal of the Teacher Fair Dismissal Act directly affects provisions and contracts with school districts.